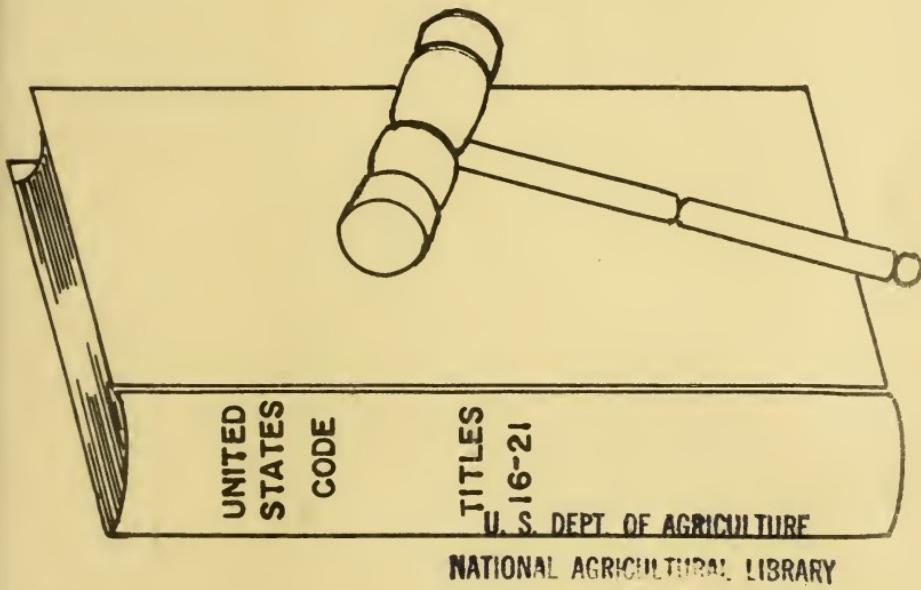


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UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL RESEARCH SERVICE
MEAT INSPECTION DIVISION

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MANUAL FOR
MEAT LAWS INVESTIGATORS

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INTRODUCTION

The purpose of this manual is to provide fundamental information necessary to prepare for prosecution cases involving violations of the Federal Meat Inspection Act and the Horse Meat Act. The procedures described in this manual are general guide lines and are not intended to be inflexible rules.

Strict enforcement of the Federal Meat Inspection Law is necessary to protect the consumer by securing compliance with the provisions of the Law and by punishment of those who, through design and intent, commit violations. There is also an obligation to those in the meat packing industry. Since the packer who operates under Federal inspection is subject to strict regulations governing the construction of his plant, sanitary maintenance, origin of raw materials, standards of composition for products, etc., he would be at a serious disadvantage if others not required to adhere to these standards were at liberty to ship or transport meat in interstate or foreign commerce. Since the inception of the Federal meat inspection program, substantial compliance with the Law has been obtained through the dedicated efforts of a handful of investigators. Recently these efforts have been stepped up with even more fruitful results.

GOAL OF ENFORCEMENT PROGRAM

It should be kept in mind that prosecution of violators is but a means to our primary object -- compliance with the requirements of the Meat Inspection Law. An essential method of attaining this end is the dissemination of information. Needless to say, it would be impossible to obtain compliance if interested parties were not informed of the requirements of the Law. The Meat Law Investigator is invaluable for this purpose. He should be entirely familiar with the requirements and the exemption provisions of the Law and should be helpful to all interested parties in disseminating this information.

LETTERS OF INFORMATION

Another means of gaining compliance is through letters of information or caution issued to persons who are alleged to have violated the Law. The purpose of these letters is to inform the alleged violator of the requirements of the law and also to establish his knowledge of these requirements in the event of future violations. They proceed from the Washington Staff Office for Contracts and Enforcement. Copies of the letter are forwarded to the Investigator in Charge who submitted the case, or in whose area the alleged violator is doing business. These letters are usually quite successful in gaining compliance with the law. If the person or firm has

unwittingly violated the Law they are grateful for the information. On the other hand, if they have violated the Law in full knowledge, they recognize that they have been placed on notice and that prosecution may be the result of future violations.

PROSECUTION

Prosecution is usually reserved for those alleged violators who have knowingly and willfully violated the Law, who have a record of previous violations, or who indicate an unwillingness to comply. Needless to say, prosecution is not attempted unless we have substantial evidence to support our case. It is the job of the Meat Law Investigators to obtain this evidence, to document it, and to submit it for possible court action.

INVESTIGATORS

Meat Law Investigators are Division employees whose principal activities are directed to the investigation of alleged or suspected violations. For administrative purposes, Investigators are attached to a meat inspection station. Their activities cover an area greater than the station limits, however. They operate in geographical areas designated by the Investigator in Charge under whose general direction they work. When not actively engaged in Meat Law investigations or retail sampling, the Investigator may be assigned to other duties. These usually include, but are not restricted to, checking the records of transportation companies and reviewing the businesses of retail dealers who hold Certificates of Exemption.

Desirable attributes of Meat Law Investigators are common sense, self-control, integrity, tactfulness, innate resourcefulness, and a tenacious desire to follow an investigation through to its conclusion. These attributes, as well as personal dignity and courtesy, enable an Investigator to convey to others the sincerity of his purpose and to gain for himself the wholehearted cooperation which is essential.

To do a good job an Investigator must be willing to make personal sacrifices. He may have to work long hours while on a case. He cannot be a clock watcher. Evidence that is available tonight at 6:30 p.m., may have disappeared forever by 8 o'clock tomorrow morning. As a result, family or social life may suffer. If the Investigator is not willing to accept these drawbacks, he shouldn't accept the job.

An Investigator is not a judge. His duty is to collect facts, not determine the guilt or innocence of the accused. While he certainly is in a position to draw conclusions from assembled evidence, he considers facts objectively without impairment by personal attitudes.

The following definition of an Investigator is considered to be particularly appropriate: "An Investigator is one who has the patience of a

Saint, the tenacity of a bull dog, the strength of a Sampson, the mind of a genius, the experience of Methuselah, the fund of information of an encyclopedia, the integrity of a Washington, the judgment of a Solomon, the wisdom of a Confucius, and the ability of a Superman." This is a definition that may be difficult to live up to, but we feel our investigators are sincerely trying.

KNOWLEDGE REQUIRED

In order to properly perform his duties, the Meat Law Investigator should have a knowledge of the following subjects:

1. A full knowledge of the Meat Inspection Act and related laws so that there is no question as to what constitutes a violation of the Law.
2. Techniques and methods of obtaining evidence and statements from witnesses and informants.
3. How to substantiate all facts with statements of witnesses or items of evidence, and what evidence is necessary to obtain successful prosecution in Federal courts.
4. The extent and limit of his authority.
5. How to obtain respect, inspire confidence, and maintain the good will of the public.
6. How to detect discrepancies or lack of good faith during interviews.
7. How to testify in court.
8. How to deal effectively with the U. S. Attorney's office.

MEAT INSPECTION ACT

Let us examine the essential features of the Meat Inspection Law as it relates to Meat Law investigation and its purpose and intent. The purpose of the Meat Inspection Act is stated in Section 1 of the Act. It is to prevent the use in interstate or foreign commerce of meat or meat food products which are unsound, unwholesome, unhealthful, or otherwise unfit for human consumption. It is sometimes helpful in dealing with U. S. Attorneys, Grand Juries, and others to point out the purpose of the Law. Although we may not be able to charge that the meat transported interstate without Federal inspection is unhealthful, unwholesome, or unfit for human consumption, neither can we certify that it is sound and wholesome when its inspection status is unknown.

Now let us proceed to an examination of sections of the law which are of particular interest to Meat Law Investigators.

SECTION 8 (Interstate Transportation)

A clear understanding of Section 8 (Title 21, United States Code, Section 78), is essential because it is this portion of the Law most often dealt with in Meat Law violations. Briefly, it prohibits the transporting or offering for transportation of meat or meat food products which are not U. S. Inspected and Passed and so marked in interstate or foreign commerce. Thus, to establish a violation of this Section of the Act it is necessary to establish that the product involved is a meat or meat food product amenable to the Act, that it does not bear the marks of Federal inspection, that it has not been decharacterized to remove it from the category of a meat product, that it is not exempt, and that it has moved in interstate or foreign commerce. Means of establishing this information will be discussed later.

SECTION 9 (Unauthorized Use of Marks)

Section 9 (21 USC 79), prohibits forging, counterfeiting, simulating or falsely representing the marks of Federal meat inspection or other identification devices, or their use without proper authority. The altering, defacing, or destroying, or failure to deface or destroy the marks of inspection or other identification devices knowingly or wrongfully is also prohibited. You will note that in the latter case we must establish intent on the part of the violator. Such violations as unauthorized use of the mark of Federal inspection, rendering of a false shipper's certificate, breaking of official seals, and alteration of export certificates are examples of violations covered by this Section of the Act.

SECTION 18 (Penalties)

Section 18 (21 USC 88), prescribes the penalty for violators of Sections 8 and 9. Although the violations are described in the Meat Inspection Act as misdemeanors, 18 USC 1 provides that any offense punishable by imprisonment for a term exceeding one year is a felony notwithstanding any Act of Congress to the contrary. Therefore, proceedings against an individual for violation of the Meat Inspection Act is by indictment. Indeed, in some jurisdictions, felony proceedings against partnerships and corporations as well are handled by Grand Jury indictment rather than by Bills of Information. Although penalties imposed by the courts are usually not severe, conviction on a felony count is a serious stigma to an individual and results in loss of certain civil rights. Thus, many U. S. Attorneys will not attempt to prosecute unless the violation is flagrant and there is substantial proof to support prosecution. This is particularly true when the alleged violator is an individual rather than a corporation or partnership.

SECTION 20
(Bribery)

Section 20 (21 USC 90), deals with bribery. It is of no particular significance to the Meat Law Investigator since investigation of alleged bribery or receiving of bribes is undertaken by the Federal Bureau of Investigation. You will note, however, that in this instance the violation is described as a felony.

SECTION 21
(Exemption)

Section 21 (21 USC 91), is the Section of the Law dealing with exemptions. This is a part of the Law on which the Meat Law Investigator should be very well informed because review of retail dealers holding Certificates of Exemption often falls within his duties, and because he is often asked questions by interested parties concerning the exemption provisions of the Law. The exemptions apply to farmers, retail butchers, and retail dealers. The definitions of retail butchers and retail dealers in the Act are identical.

First, let us talk about the farmer's exemption. The farmer does not have to apply for his exemption; it is given to him in the Act. Meat and meat food products prepared by a farmer on the farm, bearing the farmer's name and address, and properly certified may be shipped or transported interstate or for export by anyone. It is not necessary that shipment be made or arranged for by the farmer himself. The meat itself when properly identified and certified has the legal right to be transported interstate or exported. However, if the meat is salted, cured, smoked or otherwise processed, the processing must take place on the farm, otherwise the exemption no longer applies.

The exemption for a retail butcher or a retail dealer, on the other hand, is not automatic. He must apply for it and his place of business must meet certain minimum structural and sanitary requirements. In addition, he must agree to comply with certain requirements of the Meat Inspection Regulations. His meat business must be retail in nature, that is, at least 51% of meat sales (in pounds) must be to consumers. It has been determined that consumers are not only families, but also hotels, restaurants, clubs, drive-ins, boarding houses, and the like, where food is prepared and served on the premises. An exempt business has the right to ship or transport interstate or to export up to specified amounts of unmarked fresh meats or carcasses to consumers or to other retailers. Non-federally inspected meat may not be legally transported interstate to the exempt establishment unless by another exempted retailer or by virtue of farmer's exemption. There is no limit on the amount of processed meat products not bearing the mark of Federal inspection that may be transported interstate under retailer's exemption; however, they may be consigned to consumers only. Examples of processed meat products are sausage, lard, cured meats, smoked meat and hamburger. The Law provides that the Secretary of Agriculture may, at his

discretion, furnish inspection service to farmers, retail butchers, and retail dealers, the exemption provisions of the Law notwithstanding. In other words, the Secretary may require inspection in certain cases regardless of the exemptions provided by the Law.

Some states, cities, and foreign governments have requirements that prohibit entry of meats not meeting certain inspection criteria. Therefore, they will not permit shipments of meat into their jurisdictions by certificate of exemption holders, or by farmers under the exemption provisions of the Act. This, of course, is their prerogative and we have no argument with this policy. A Certificate of Exemption, is after all, exemption from inspection. Thus, it can be seen that farmers or retailers shipping interstate or for export do so at their own risk.

The penalty provision of Section 21, is stated in the Act to be a misdemeanor and under the criteria of 18 USC 1 it falls within this category. It has been ruled that this penalty applies only to farmers, retail butchers, and retail dealers. Therefore, it would not be possible under this Section to prosecute a person, firm, or corporation for interstate transportation of unsound meat which bears the marks of Federal meat inspection.

You will note that to establish a violation of Section 21, we must have evidence to indicate that the alleged violator knew that the unwholesome meat was intended for human consumption. Here again, establishment of knowledge and intent is vital.

HORSE MEAT ACT (21 USC 96)

The Horse Meat Act makes applicable to meat and meat products derived from horses, all penalties, terms, and provisions of the Meat Inspection Act except the exemptions applying to farmers, retail butchers, and retail dealers. Since no reference is made in the law to mules or burros, meat derived from these animals is not considered amenable to the Horse Meat Act. There would seem to be little point in making this knowledge widespread in the industry but it is a point to keep in mind in the course of investigations involving meat of equine origin.

COMMON VIOLATIONS

Violations of the Meat Inspection Act and Horse Meat Act may be generally categorized as follows:

1. Interstate or foreign transportation of meat or meat food products not bearing the marks of Federal meat inspection.
2. Offering such product for interstate transportation or export.
3. Illegal or unauthorized use of the marks of inspection.

4. Forging or counterfeiting the marks of Federal meat inspection.
5. Altering, destroying, or failing to destroy the marks of Federal meat inspection. Seals on unmarked and restricted products are considered to be the same as marks of inspection as they serve the same purpose.
6. Offering for sale or transportation in interstate or foreign commerce under the exemption provisions of the law, meat or meat food products that are unsound and unhealthful knowing that such food products are intended for human consumption.
7. Not properly identifying horse meat as such or falsely representing it as beef.

SOURCES OF INFORMATION

To investigate a violation of the Meat Inspection Act, we first must have some indication that one has taken place. Such information can be developed by "beating the bushes" or it may be furnished by one of our sources of information. A common source of information is someone in the meat business. Since the meat industry is highly competitive, it is seldom that any person or company can long operate in violation of the law without having his actions reported to us.

Many times advertisements and newspaper stories give us leads on possible violations. It is often fruitful to observe meat products in the display cases of stores and markets along state boundaries. We may get valuable information from city, county, or state officials, particularly those in the area of health and food control. The Investigator should make it his business to know these people and to be helpful to them in return for their help to us. Many good leads come from Meat Inspectors as a result of observations made in the course of their duties in official establishments and elsewhere. If the Investigator can stimulate Meat Inspectors to an alertness for possible violations, the return is often excellent.

If conducted properly, reviews of records of interstate carriers yield dividends in two ways. On the one hand, they alert carriers to their possible implication if they accept interstate shipments of meat without proper certification. This makes it more difficult for persons or companies to make violative interstate shipments. On the other hand, leads on possible violative interstate shipments may be found by reviewing the records of interstate carriers carefully.

If at all possible, each complaint or lead should be followed through. The preliminary investigation should be made in such a way that it will not be embarrassing to the person or company suspected in the event that the charges should prove to be without foundation. If an informant requests

that his identity be kept secret, such a request should be honored at all costs; otherwise, our sources of information would soon dry up. In some cases, the informant is an employee of the company which is the alleged violator. If he desires to continue in the employ of this company, the situation should be handled in such a manner that his livelihood would not be jeopardized.

Maintenance of cordial relationships with those in the industry, informants, and other Government officials is essential. If any of these should get the idea that we are not dealing fairly, our entire operation could be seriously hampered. Situations should never be permitted to develop where any of these contacts will be harmed without just reason. Investigations should always be conducted in such a manner as to avoid damage to the reputation of innocent persons.

The Investigator should make sure that anyone who might be a potential source of information knows him and knows where and how he may be reached. Although Administrative Regulations of the Department do not permit reimbursement for the printing of personal business cards, some Investigators have had them prepared at their own expense and use them to good effect. Regardless of how the information is presented, we should be sure potential informants know our office address, phone number, and office hours.

INTERVIEWS AND INTERROGATIONS

Once we have established that a possible violation of the Act has occurred, the next step is to obtain information to substantiate our suspicions. The successful investigation of criminal offenses depends principally upon effective questioning of complainants, witnesses, informants, suspects, and other persons encountered during the course of an investigation. Questioning is divided into two broad classifications. Interviews are conducted to learn facts from persons who have knowledge of the wrongful act, but who are not themselves implicated; interrogations are conducted to learn facts and to obtain admissions and confessions of wrongful acts from persons who are implicated in a wrongful act. Persons who have been interviewed may later be interrogated. Interrogation is not necessarily confined to individual suspects of criminal actions, but may include persons who may have knowledge of the crime, but, who for various motives, are reluctant to admit it. It is usually advisable to take statements from persons interviewed or interrogated. When an interview or interrogation develops information that will have definite value as evidence, that information or evidence should be recorded in a written, signed, and witnessed statement or affidavit. Since we have no power to require a witness to sign a statement or affidavit, it may be well in some cases for the Investigator to be accompanied by another person who can verify what is actually said.

An interview is an informal questioning to learn facts. A successful investigation requires that the Investigator be able to learn through questioning

what the person interviewed has observed through any or all of his five senses. Each person interviewed is believed to possess certain information that may lead to the solution of a crime. Effective interviewing requires the interviewer to make full use of his knowledge of human nature so that the individual interviewed will disclose all he knows about the matter in question. If a person does not possess knowledge of the crime, the interviewer should establish this fact. Pertinent negative evidence is as much a part of the complete investigation as positive information.

Usually the interviewer and persons to be interviewed are strangers. The Investigator should introduce himself, present his credentials when appropriate, and begin by making a general statement regarding the purpose of the interview. The introduction should be made in such a manner as to establish a cordial relationship between the interviewer and the person being interviewed.

In the beginning of the conversation, the talk should be kept informal, i.e., everyday things discussed. Discussion of personalities, politics, religion or similar controversial subjects should be studiously avoided. The actual interview should not be started, if possible, until the subject appears friendly and cooperative. The Investigator should not try to impress the witness with his importance or knowledge. People in whom we induce animosity will seldom tell us anything. Patience, persistence, and courteousness are the virtues of the effective Investigator when conducting an interview.

The timing of an interview is important. Approaching a store manager on a busy Friday afternoon when his attention is needed in a dozen other places will probably produce nothing but irritation. Obviously, he will be much better able to give his attention and cooperation when he is not otherwise occupied. It is not always possible, of course, to schedule our visits the way we might wish, but when possible, consideration for the other person's problems will bring the best results. In some cases, it may be better to get an appointment for an interview at a later time than to press the issue and then not get the information we desire. Arranging an interview in advance is good planning and often saves time for both the Investigator and the person interviewed.

The choice of a place for an interview may have an effect on the results. The location should be such that the person interviewed can feel at ease. It should be quiet, private, and comfortable. An office, either ours or one in a business establishment is a good site. The middle of a supermarket or a busy boning room is not. Some Investigators have found that offering to buy the person to be interviewed a cup of coffee at a nearby restaurant helps to get the interview away from distractions and creates a friendly atmosphere necessary to establish rapport.

Although an Investigator has no legal power to compel the person being interviewed to divulge information, he may, if he is clever and alert, induce him to disclose what he knows.

It pays dividends to have the material facts relating to an investigation fairly well established before an interrogation begins. Once the alleged violator or participant in a violation is convinced we are well informed on the subject, he will be much more disposed to give truthful information.

There are two principal means of gaining information from an informant or witness -- free narrative and questioning. It is seldom that we can get all the information desired by merely listening to someone's story. There are parts not covered, points to be clarified, possible contradictions. Questioning should be directed to developing all the facts and establishing the reliability of the witness. Remember, the statement or affidavit of a witness is worthless if he changes or contradicts it in court. Neither is testimony valid if it is determined the witness was mentally incompetent, intoxicated, or drugged at the time he witnessed a violation or made a statement. If at all possible, information gained in an interview or interrogation should be checked out later for error or downright untruth.

Before starting an interview it is often helpful for the Investigator to make a check list for himself. The points can be listed under two simple headings:

1. What does this person most probably know?
2. What do I want to find out?

This kind of planning can help to reduce the instances when the Investigator reproaches himself several hours after the interview with "Gosh, I should have asked him - - -!"

It is best not to take notes during an interview. People generally talk more freely if their every word is not being recorded. A written record in the form of a statement, or affidavit, or notes, should be made immediately after the story is complete, perhaps when it is being recapitulated.

If a statement or affidavit is to be obtained from the person interviewed, it is usually best to get it on the spot, even if it must be written out in longhand. If the Investigator defers taking of a statement or affidavit until he has a nicely typed document to present to the prospective affiant, he may find that the person has changed his mind.

During an interview or interrogation, the Investigator may become aware that the attitude of the witness is hostile or at least not cooperative so that the Investigator is not getting the information he is almost certain the witness possesses. Such a situation taxes the Investigator's ingenuity and initiative. The procedure that works on one person might not affect the attitude of the next. An appeal to sense of civic responsibility or convincing arguments on the importance of the Meat Inspection Law to assure a wholesome meat supply are possible approaches that may be used on reluctant witnesses.

When the witness is himself implicated, (for example, the driver of a truck for a company transporting non-federally inspected meat interstate), it may be possible to break down resistance by pointing out that the person himself could be prosecuted for the alleged violation. We may be able to indicate that we are more interested in his employer and will recommend that he not be prosecuted if cooperative. We must be careful in these situations, however, to avoid making statements or promises that we cannot substantiate.

THE FIVE W's

To do an effective job of investigation, the Investigator should not be satisfied until he has answered five important questions. These questions are the so called five W's. What, when, where, why and who.

WHAT EVIDENCE

We need a definite description of the kind and amount of meat or meat product involved. This should be specific and should be couched in terms that are familiar to the layman. While the term "clods" may be perfectly descriptive to those in the meat business, the U. S. Attorney or other interested parties would better understand a description such as "beef clods - a beef shoulder cut". The amount of product involved should be determined and described as "about 650 pounds", or "6 veal carcasses approximately 1250 pounds". It is essential, of course, to determine that the product does or does not bear the marks of Federal meat inspection. We are concerned, in most cases, with that which does not. A description in an affidavit of quantities of product that does bear the marks of Federal inspection is not only not germane to the issue, but often harmful to our case. If the product does bear the marks of inspection of a state or municipal government, this should, of course, be noted and recorded. Presence or absence of the marks of Federal inspection is determined by a careful examination of the containers and, if necessary, a piece-by-piece examination of the meat. If the amount involved is large, it is not necessary that the Investigator examine each piece. Enough should be examined, however, to assure any reasonable person that the amount examined is representative of the whole.

The character of the meat should be carefully observed. If it is diseased, contaminated, adulterated, or misrepresented, such information is often useful to our cause. Laboratory examination of sausage and like products is used in some cases to establish this information.

It is essential, of course, to determine that the product in question is, in fact, a meat food product amenable to the Meat Inspection Act. There may be some products containing meat in which this is questionable. To resolve such questions, a sample of the product, including the label and all other available information, should be sent to the Chief Staff Officer for Labels and Standards, Meat Inspection Division, 7th and D Streets, S.W.,

Washington, D.C. 20250, for an official decision. It should be indicated on the sample form that the sample is submitted in connection with a possible Meat Law violation.

If the meat product involved is comminuted and its contents or composition are not clearly stated on the label, it must be determined that it is composed of material derived from cattle, sheep, swine, goats or horses. We would not be in a position to prosecute if it was found that the meat product was composed of tissues from buffalo, deer, kangaroo, or the like. When it is essential to establish the type of meat, this can often be definitely determined by submitting a sample, properly protected against deterioration, to the Chief Staff Officer for Biological Sciences, Building 318, Agricultural Research Center, Beltsville, Maryland.

In some instances, it may be necessary to determine whether or not the meat has been properly decharacterized. If sufficient powdered charcoal, coarsely ground bone, dye or other material has been added, it is no longer considered to be meat or meat food product and may be shipped interstate legally without the marks of Federal inspection. Such determination is usually made on the spot by the Investigator since the presence or absence of decharacterizing agents should be readily apparent in most cases. If there is a question, a sample of the material may be submitted to the Chief Staff Officer for Contracts and Enforcement, Meat Inspection Division, 7th and D Streets, S.W., Washington, D.C. 20250.

WHEN EVIDENCE

The day, month, and the year should be given when definitely known. The date is prefixed by "on or about" if the exact date cannot be definitely established. The hour of the day is not important unless it is unusual for such activities. Likewise, the day of the week is not important unless it is unusual or perhaps selected because of the probability that Inspectors or Investigators would not be on duty. The date on which the violation occurred is often established through observation or examination of Bills of Lading, invoices, shipping tickets, and the like.

WHERE EVIDENCE

Evidence should specify the exact location or locations at which the violation occurred. The origin of the product in question should be definitely established as well as its destination. Sometimes the apparent origin of a shipment is different from the actual origin. Although the manufacturer's address on the label may show a different state than that in which the product is observed, this is not proof in itself that interstate movement occurred. In order to have valid evidence to prosecute, we must definitely establish that the product was, in fact, moved interstate. This may be determined through shipping documents, or through observation of the actual interstate movement itself.

WHO EVIDENCE

We must now try to prove who violated the Act. It may be an individual, partnership, or corporation. This must be established so the prosecutor will be able to proceed against the violator in a legal manner. If the violator is an individual, his or her full name and address should be given. If it is a co-partnership, the full name and address of each member of the firm should be given as well as the business location. If a corporation, the full name and address should be given together with the name of the state in which it is incorporated. The status of the alleged violator should be recorded as of the date of the violation. Information as to the legal status of the consignor may be secured at any public library or by checking Standard and Poor Corporation Reports, or Moore's Register, or by checking Dun and Bradstreet, Inc. Reports. The latter is not available in libraries; however, business establishments often subscribe to the Dun and Bradstreet service and the Investigator may gain access to copies in this manner. The Secretary of State in the state in which the alleged violator is in business has control of corporation records. His office will usually be in a position to furnish the information we desire.

The "who" information should state whether the alleged violator operated under Federal inspection, under exemption, under a local inspection system, or, if we can establish this, under no inspection at all. If exempted, the nature of the exemption should be indicated. The Investigator should also establish whether the alleged violator has a record of having violated the Meat Inspection Act in the past, or whether he has been previously warned following an offense. Information as to how long he has been in the meat business, whether he has ever been employed in an official establishment, or whether the requirements of the Meat Inspection Law have been discussed with him previous to the violation, is useful in developing the case. The U. S. Attorney is often interested in any previous criminal offenses by the alleged violator such as convictions for OPA violations. If we have actual knowledge of such violations, we should advance this information when requested.

In gathering information, it is essential that the correct name and address of all persons contacted be recorded in the Investigator's notes. If it later develops that these persons may be witnesses or defendants, such information should, of course, be reflected in the case file. Names and addresses must be correct since the U. S. Attorney may wish to contact these parties as witnesses or we may wish to interview them for further information.

WHY EVIDENCE

It should be noted that certain Sections of the Law are stated in such a manner that to be judged guilty of violation, a person must be proved to have committed the act knowingly and wrongfully. Although this is not true in the case of illegal interstate transportation, it is true as regards altering, defacing, or failing to deface or destroy the marks, stamps, tags, or other identification devices provided for in the Act. You will also find

the term "Knowing" used in Section 21 of the Act in the language describing the penalty for interstate transportation of unsound meat by a farmer or retail dealer. Even where intent is not required to be established by the language of the Act, many U. S. Attorneys are reluctant to prosecute and Grand Juries to indict unless it can be established that the alleged violator had full knowledge of the Law and violated it knowingly and wrongfully. Thus, every effort should be made to establish such information since it may have a great bearing on whether or not a case will be successfully prosecuted.

PROOF OF VIOLATION

In order to secure successful prosecution, we must have proof of the violation. This is often difficult to get, but without such proof we have no case against the alleged violator. We cannot assume that the non-federally inspected meat was moved interstate by a certain person or firm; we must prove that it was. The Office of the General Counsel and Justice Department will not take legal action unless there is good and sufficient evidence. The proof of a violation must be based on evidence. This may be in the form of personal observation, copies of invoices, Bills of Lading, freight way-bills, cancelled checks, labels, sections of cartons, receipts, or affidavits and statements made by those having knowledge of the facts. The more clearly this evidence proves that a specified amount of non-federally inspected meat was transported interstate, the better case we will have.

REPORTS

Once we have all the necessary information to support prosecution, the next step is to report it. The importance of proper reporting cannot be over-emphasized. The most brilliant investigative work is worthless if the results of the investigation are not clearly spelled out in the report. Particular pains should be exerted to be sure that all essential information is included in the report, and this means negative evidence as well as positive. If negative evidence is not included, the Investigator may leave the person reviewing the report wondering, "Did he check on - -?"

The report should be factual, based on observation and evidence, not on opinion or conjecture. Opinion has no place in an investigative report. Since the U. S. Attorney or the Grand Jury do not know the Investigator personally, they are not particularly interested in his opinion. They are interested only in cold hard facts that can be supported by evidence. On the other hand, if a conclusion can be drawn from substantial information and reason, the Investigator may say "It is apparent that - -". He should, however, refrain from "In my opinion".

The Investigator should strive to make his report as clean, neat, and grammatically correct as possible. Just as people in our Division will

form an opinion of the Investigator from the appearance of the files he prepares, so people outside our organization will form an opinion of the Division from documents we present. You can well imagine the reaction of a U. S. Attorney when reviewing a narrative that contains incomplete sentences, misspelled words, erasures, and incompletely documented evidence. He will have little interest in proceeding further. On the other hand, a good report will more likely bring the desired results. Here are some questions we might ask ourselves in preparing a case file:

1. Does it include all the facts at hand?
2. Is it assembled logically?
3. Are there references to supporting documents in the narrative?
4. Is there sufficient evidence to support the allegation?
5. Have I correctly identified the legal status of the firm or person involved?
6. Are the narrative and other documents properly paragraphed? Correctly punctuated? Margin neat? Acceptably free of smudges and erasures? Properly assembled?
7. Have I checked references to names, addresses and amounts in different parts of the file so I am sure they are accurate and identical?
8. Have I included this essential information? (a) Item was meat or meat food product. (b) Was derived from cattle, calves, sheep, swine, goats, horses. (c) The meat or the shipper was not exempt from provisions of the Law. (d) Product did move interstate or was exported.

A complete case file on a violation of the Meat Inspection Law should contain the following information:

1. Narrative report by Investigator:
The narrative report tells the story of the investigation. It should include such information as the reason for the investigation, the manner in which the investigation was conducted, the evidence secured, and the conclusion of the Investigator. The exhibits in the file should be referred to by number as the report progresses. A paper by Mr. W. K. Trowsdal, presently in the Office of the Inspector General, follows as it presents excellent reference material on the writing of narrative reports.

WRITING REPORTS

by W. K. Trowsdal

"An investigation report may be generally divided into four parts or sections. These sections should be clearly defined either by headings or paragraphing.

"These sections can be generally categorized as (1) Introduction and Justification, (2) Synopsis or Brief, (3) Details, and (4) Conclusions.

"1. The opening paragraph of the report should contain the true and/or legal name and address of the person, partnership, company, or corporation under investigation. Citation of the statute or the regulation under which the investigation is being made should be shown. In case the individual or company does business under other names and at different addresses than its legal name and address, these should also be recorded.

"2. A brief summary of the evidence as disclosed by the investigation is helpful to persons who are required to review reports. The synopsis or brief should be limited to one short paragraph where possible except that in the case of lengthy and complex reports, a longer brief may be necessary. In short reports dealing with relatively simple subject matter, the brief or summary may be eliminated. In no case, however, should the brief exceed the detailed reporting of the case.

"3. In the 'Details' section of the report the Investigator should narrate in detail how he conducted the investigation and obtained evidence of the violation. Evidence per se is of the utmost importance in dealing with these violations but the methods by which evidence is obtained is also important. In charging wrongdoings the burden of proof is on the Government. Therefore, extreme care should be exercised so that the person who is suspected shall not be deprived of rights guaranteed by the law and rigidly enforced by the courts.

"In narrating the details of an investigation, the Investigator should refrain from imparting extraneous details and trivia which have no bearing on the issues. Reviewing reports loaded with details which are not germane can become extremely tedious and consequently the report may completely fail to inform the reader of the subject.

"It is assumed that each Investigator will assure himself that he can support any statements made by him in the report of investigation and such supporting evidence should be described and the resting place of such evidence should be carefully noted in the report, as in the work papers, etc.

"4. Finally, the 'Conclusion' section of the report should relate the conclusions formed by the Investigator on the basis of the evidence obtained during the investigation. Since the Investigator is neither the prosecutor nor the judge, it is unnecessary to go into great detail as to the value of the evidence, but he can briefly describe his attitude toward the allegation based on the evidence."

2. Completed Form MI 419:
All headings on this form should be completed even though the information may appear in other places in the file. Portions of the form that are not applicable should be noted "not applicable (n/a)" or "not alleged".
3. Affidavits and Statements:
These are taken under the authority granted by AM 103.2, from persons having knowledge of the violation. It is unnecessary in most cases for the Investigator to make an affidavit since such an affidavit merely repeats the information furnished in the narrative report. A statement or affidavit should be included from the company or person alleged to have violated the Law if it can be obtained. A personal interview should be arranged if possible and practicable to give the accused an opportunity to express his views. When a personal interview is not practicable it may be possible to obtain a statement from the alleged violator through the mails.
4. Commercial Bills of Lading, Shipper's Certificates:
Commercial bills of lading are excellent evidence that a product has been transported interstate. This is especially true if we can also secure a copy of the delivery receipt. Very often a bill of lading will have incorporated on it a shipper's certificate. If the shipper's certificate states that the product shipped is U. S. Inspected and Passed and so marked and we can establish that it was not, we can then charge the shipper with rendering a false shipper's certificate under 21 U.S.C. 79.
5. Copies of invoices, delivery receipts, order forms and cancelled checks.
6. Labels from meat food products involved.
7. Receipts for purchases of product by Investigator.
8. Laboratory results.
9. Letters of caution or correspondence establishing knowledge of the Law.

Four sets of all papers making up the file should be forwarded to the area Investigator in Charge. He will review the file for completeness and accuracy and forward three sets to the Washington office with a recommendation as to the action to be taken. Recommendations should not be included in the case file forwarded by the Investigator, but may be indicated in a separate letter to the Investigator in Charge. The Investigator should also avoid making references in the case file as to his knowledge of previous violations or lack of previous violations by the alleged violator. This information

will be included in the letter of transmittal forwarded by the Investigator in Charge. Any information on the previous record of the alleged violator may be transmitted to the Investigator in Charge in a communication separate from the case file.

Following is a reproduction of a case file of a completed meat law investigation showing the handling of the case. Although this file was selected for reproduction as a typical meat law case, it is doubtful that there is such a thing. Each violation is different and the development of the investigation is different. This variety is one of the factors that make investigation work an interesting challenge.

UNITED STATES DEPARTMENT OF AGRICULTURE
Office of the General Counsel
Washington 25, D.C.

July 2, 1962

To: Director
Meat Inspection Division, ARS

From: Director, General Regulatory Division, OGC

Subject: United States v. John Doe and Company
M.I.V. No. 2837; MID 2706

The above case has been terminated as follows:

Date of
termination: May 22, 1962

Disposition: Partnership defendant pleaded guilty to Count I of
the indictment and was fined \$750. Count II of the
indictment was dismissed.

The case has been marked closed in our records.

/s/ Carl R. Bullock

Judgment and Commitment

UNITED STATES DISTRICT COURT
For The
District of Minnesota

On this 22nd day of May , 1962 came the attorney for the government and the defendant appeared in person and by counsel

It is adjudged that the defendant has been convicted upon his plea of guilty
of the offense of having unlawfully transported
from St. Paul, Minnesota to Dalles House, St. Croix Falls, Wisconsin, a
quantity of meat of cattle. Said meat had not been inspected, examined,
and marked "Inspected and Passed" in violation of section 78, United
States Code, Title 21

as charged in count 1 of the indictment and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the court.

It is adjudged that the defendant is guilty as charged and convicted.

It is ADJUDGED that the defendant pay a fine of seven hundred and fifty dollars (\$750.00) on count one of the Indictment. A stay of five days is granted for the execution of this sentence.

It is ORDERED that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

The Court recommends commitment to :

Earl R. Larson

United States District Judge

Frank A. Massey

by Sam Hanson Deputy Clerk

A True Copy. Certified this 22nd day of May, 1962

(signed) Frank A. Massey (By) /s/ Sam Hanson
Clerk Deputy Clerk

Y-

December 11, 1961

Mr. R. V. Lockhart
Rm. 241, 4101 South Halsted Street
Chicago 9, Illinois

Dear Mr. Lockhart:

The Office of the General Counsel has sent to the U. S. Attorney a suggested form of information covering the alleged violation of the Meat Inspection Act on the part of John Doe and Company, a partnership composed of John Doe and Jane Doe, and maintaining a place of business at 137 East Dobie Street, St. Paul, Minnesota, MID 2706, MIV 2837.

Copies of the covering letter and material are enclosed.

Very truly yours,

H. M. Steinmetz
Acting Chief Staff Officer
for Enforcement

Enclosures

HMSteinmetz
swc

December 1, 1961

Honorable Miles Lord
United States Attorney
St. Paul, Minnesota

Dear Mr. Lord:

Subject: Apparent violations of the Meat Inspection Act by
John Doe and Company, MIV 2837

Transmitted herewith are reports of two apparent violations of the Meat Inspection Act (21 U.S.C. 78) by John Doe and Company, a partnership composed of John Doe and Jane Doe, and maintaining a place of business at 137 East Dobie Street, St. Paul, Minnesota. There are also transmitted a suggested form of information and supporting documents.

The enclosed material discloses that on June 22, and August 3, 1961, the above partnership transported from the State of Minnesota into the State of Wisconsin, meat of cattle and swine which had not been federally inspected, as specified in the suggested form of information.

It is respectfully requested that criminal proceedings be instituted against the partnership.

This office and R. V. Lockhart, Investigator in Charge, Meat Inspection Division, Agricultural Research Service of the Department, Room 241, 4101 South Halsted Street, Chicago 9, Illinois, will be pleased to render such further assistance in the preparation and prosecution of this case as you may request.

Sincerely yours,

/s/ Carl R. Bullock

Director, General Regulatory Division

Enclosures

cc: H. H. Pas, Chief, Contracts and Enforcement, MID, ARS, MID 2706

Y-

November 1, 1961

To: Director, General Regulatory Division, Office of the
General Counsel

From: H. M. Steinmetz, Acting Chief Staff Officer for Enforcement

Subject: Alleged violations of the Meat Inspection Act

There are enclosed papers covering alleged violations of the Federal Meat Inspection Act on the part of John Doe and Company, St. Paul, Minnesota. The alleged violations consisted of transporting interstate meat not identified as U. S. Inspected and Passed. The enclosures consist of two copies of all papers as follows:

Case 1

Letter of October 5 from R. V. Lockhart to H. M. Steinmetz
Report of Investigation by R. V. Lockhart
Form MI-419 dated August 25 by R. V. Lockhart
9 exhibits listed in the Report of Investigation
Affidavit of August 28 - Jacob Braud
Affidavit of September 6 - Ray V. Lockhart
Letter of September 29 from Jacob Braud to R. V. Lockhart
Letter of May 22 from John Doe to C. C. Hamilton
Letter of October 19 from C. C. Hamilton to C. A. Ward

Case 2

Report of Investigation by Jacob Braud
Form MI-419 dated August 10 by Jacob Braud
Affidavit of August 10 - Jacob Braud
Affidavit of August 10 - David E. Evans
Invoice of August 3 from John Doe and Company

It is recommended that the alleged violator be prosecuted. The United States Attorney's office can be informed Mr. R. V. Lockhart, Investigator in Charge, Room 241, 4101 South Halsted Street, Chicago, Illinois, will be available for consultation and further information if he desires.

The case is assigned MID No. 2706.

Enclosures

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MINNESOTA
THIRD DIVISION

United States of America) Information
)
)
v.)
)
John Doe and Company,)
a partnership) No. _____
) (21 U. S.C. 78)

The United States Attorney charges:

COUNT I

On or about June 22, 1961, John Doe and Company, a partnership composed of John Doe and Jane Doe, and having a place of business in St. Paul, Minnesota, unlawfully transported from St. Paul, Minnesota, within the District of Minnesota, to the Dalles House, St. Croix Falls, Wisconsin, a quantity of meat of cattle, to wit, 186 pounds of beef steaks. Said meat had not been inspected, examined and marked "Inspected and passed."

In violation of section 78, United States Code, Title 21.

COUNT II

On or about August 3, 1961, John Doe and Company, a partnership composed of John Doe and Jane Doe, and having a place of business in St. Paul, Minnesota, unlawfully transported from St. Paul, Minnesota, within the District of Minnesota, to the Dalles House, St. Croix Falls, Wisconsin, a quantity of meat of cattle and meat food products of swine, to wit, 144 pounds 6 ounces of beef and 39 3/4 pounds of smoked cured pork. Said meat had not been inspected, examined, and marked "Inspected and Passed."

In violation of section 78, United States Code, Title 21.

United States Attorney for the
District of Minnesota

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL RESEARCH SERVICE
MEAT INSPECTION DIVISION
Room 211, 4101 South Halsted Street
Chicago 9, Illinois

October 5, 1961

Dr. H. M. Steinmetz
Acting Chief Staff
Officer for Enforcement
Meat Inspection Division, ARS
Washington 25, D.C.

Dear Dr. Steinmetz:

Enclosed for your consideration are Reports of Investigation and supporting material in connection with two apparent violations of the Act on the part of John Doe and Company, St. Paul, Minnesota.

Information from the consignee and the receiving records indicate that the Doe firm has been engaged in the interstate transportation of non-federally inspected meat products as a regular procedure for a considerable period of time. Since the products in question were cut, packaged and otherwise prepared in the Doe establishment, it is evident that the accused was aware such products did not bear the marks of Federal inspection at the time of shipment and were therefore not eligible for interstate movement under the provisions of the Meat Inspection Act.

Case No. 1 involves a violation which occurred on June 22, 1961, and Case No. 2 involves a violation committed on August 3, 1961.

Enclosed with the file is a copy of a letter dated May 22, 1961, from John Doe, a partner in the firm, addressed to Dr. C. C. Hamilton, Acting Inspector in Charge, South St. Paul, Minnesota. The letter is in connection with an Application for Exemption from inspection submitted by Mr. Doe. Since the application was submitted prior to the date of the alleged violations and was for the express purpose of transporting non-federally inspected meat products in interstate commerce to consumers, it is apparent that Mr. Doe was fully aware of the requirements of the law at the time the alleged violations were committed.

Also enclosed with the file is a letter from Mr. Jacob Braud, Investigator, relative to conversations with Mr. Doe regarding the violations. Mr. Doe indicated that he would submit a written statement regarding these illegal interstate shipments, however, such a statement has not been received and it is apparent that he does not wish to submit a statement.

It is believed that sufficient evidence has been obtained to support prosecution
and we recommend that legal action be instituted against the accused.

Very truly yours,

/s/ R. V. Lockhart

R. V. Lockhart
Investigator in Charge

Enclosures:

Report of Investigation
Violation of the Meat Inspection Act

It is alleged that a violation has been committed by John Doe and Company located at 137 East Dobie Street, St. Paul, Minnesota. The company is in operation at the above location as a fabricator and distributor of meat and meat food products and does not operate under the supervision of the Meat Inspection Division of the United States Department of Agriculture. The company is not privileged to ship or transport non-federally inspected or unmarked meat or meat food products in interstate commerce under the exemption privileges of the law.

On June 22, 1961, this investigator and Mr. Jacob Braud, an employee of the Meat Inspection Division, visited the Dalles House, a restaurant located in St. Croix Falls, Wisconsin. We spoke to Mr. J. C. Millen the owner, and Mr. H. J. Krayon, the Manager, regarding meat products delivered to that establishment by John Doe and Company from St. Paul, Minnesota. They identified several packages containing various meat products which they stated were delivered by the Doe firm in a motor vehicle operated by an employee of the Doe company a short time before our visit. They presented an invoice No. 57059 dated 6/22/61 bearing the heading John Doe & Co., 137 East Dobie Street, St. Paul 7, Minnesota, which they declared covered the meat products delivered on that date by the Doe company. (Exhibit #1) Listed on this invoice are the following items:

48 - 10 oz. Tenders
102 - 7 oz. Tenders
200 - 5 oz. Tenders
37 3/4 pounds T-Bones
11 pounds Cube Steaks

We examined these beef steaks and found that neither the product nor the containers bore the marks of Federal meat inspection.

Mr. Millen later furnished us invoices and monthly statements from Doe and Company which he stated covered other deliveries of similar unmarked products to his establishment during the month of June 1961 and also his cancelled check in payment.

Exhibit #2

Invoice No. 56221 dated 6/1/61

52 - 7 oz. Tenderloins
104 - 5 oz. Tenderloins
26½ pounds T-Bones

Exhibit #3

Invoice No. 56471 dated 6/7/61

30 - 10 oz. Tenders
56 - 5 oz. Tenders

Exhibit #4

Invoice No. 56767 dated 6/15/61

54 - 10 oz. Tenders
54 - 7 oz. Tenders
104 - 5 oz. Tenders
24½ - pounds T-Bones

Exhibit #5

Invoice No. 57246 dated 6/27/61

49# beef round roasts

Exhibit #6

Invoice No. 57343 dated 6/29/61

72 - 10 oz. Tenders
102 - 7 oz. Tenders
104 - 5 oz. Tenders
27 - pounds T-Bones
7½ - pounds Cube Steaks

Exhibit #7

Statement dated July 1, 1961 - John Doe and Company

Exhibit #8

Cancelled Check - J. C. Millen payable to John Doe and Company

Mr. Millen also produced invoices and a monthly statement from John Doe and company covering deliveries of similar unmarked products to his establishment during the month of May 1961 (Exhibit #9). These documents cover a total of 480 - 5 oz. tenderloin steaks, 405 - 7 oz. tenderloin steaks, 126 - 10 oz. tenderloin steaks, 15 3/4 pounds Chef Steaks, 15 pounds New York steaks and 56½ pounds T-Bone steaks. (Exhibit #10) Mr. Millen declared that these cut steaks were similar to the products which we observed and did not bear the marks of Federal inspection at the time of delivery to the Dalles House by the Doe company.

It is apparent that John Doe and Company did transport in interstate commerce from St. Paul, Minnesota to St. Croix falls, Wisconsin, on June 22, 1961, approximately 186 pounds cut beef steaks which had not been prepared under Federal meat inspection and did not bear the marks of Federal inspection as required by law. It is also apparent that John Doe and Company did on several occasions during the months of May and June of 1961 transport quantities of similar meat products which did not bear the marks of Federal inspection in interstate commerce from the Doe plant in St. Paul to the Dalles House restaurant in St. Croix Falls, Wisconsin.

These interstate shipments constitute violations of the Meat Inspection Act
(21 U.S.C. 78)

It is believed sufficient evidence has been obtained to prove that violations
were committed and support prosecution of the accused.

/s/ R. V. Lockhart

R. V. Lockahrt
Investigator

August 25, 1961
Date

CAPITAL 7-7530

JOHN DOE & COMPANY

137 East Dobie Street St. Paul 7, Minnesota

Wholesale Meats

* HOTELS * RESTAURANTS * INSTITUTIONS *
* HOME * FREEZER * FOOD * SUPPLIER *
* PORTION * CONTROL * STEAKS *

May 22, 1961

Mr. C. C. Hamilton, Acting Inspector in Charge
United States Department of Agriculture
Agricultural Research Service
Meat Inspection Division
205 Post Office Building
South St. Paul, Minnesota

Dear Mr. Hamilton:

Replying to your letter of May 17th, we are enclosing herewith
Application for Exemption from Inspection, Form MI 417-3, duly
executed and signed, as per your instructions.

In your letter you ask when our plant will be ready for inspection
by a representative from your office. We are pleased to advise
that the first week of June will be satisfactory with us.

Thanking you in advance for your fine cooperation, we remain
Cordially,

John Doe and Company

By _____
Partner

(Certified true copy, original on file with Meat Inspection
Division, ARS, USDA, South St. Paul, Minnesota.)

/s/ Jacob Braud

MEAT INSPECTION DIVISION
205 POST OFFICE BUILDING
South St. Paul, Minnesota

September 29, 1961

Mr. R. V. Lockhart, Investigator in Charge
Meat Inspection Division
Room 241
4101 South Halsted Street
Chicago 9, Illinois

Dear Mr. Lockhart:

I have conferred with Mr. John Doe by two personal visits, one on September 7, 1961, and another on September 28, 1961, and also by telephone on or about September 19, 1961, in regard to the transportation of unmarked meats as delivered to the Dalles House, St. Croix Falls, Wisconsin, on June 22, 1961, and again on August 3, 1961.

Mr. Doe readily admitted to me and to Dr. Clare C. Hamilton, who accompanied me on September 7, 1961, that these deliveries were made, but he stated that he believed that such deliveries were permissible. He promised to give me a written statement in regard to the interstate shipments but after consulting with his attorney he has apparently been told that no statement need be given.

Very truly yours,

/s/ Jacob Braud

Jacob Braud
Acting Meat Laws Investigator

(alleged violator informed of offense. Given opportunity to make a statement.)

UNITED STATES DEPARTMENT OF AGRICULTURE
Bureau of Animal Industry
Meat Inspection Service

VIOLATION OF MEAT-INSPECTION ACT

Interstate transportation of non-federally inspected meat

Nature of Violation which did not bear the marks of Federal inspection (21 U.S.C. 78)

1. Date of shipment June 22, 1961
2. Date of arrival at destination June 22, 1961
3. Name of transportation company Truck owned and operated by John Doe and Company
4. Name and address of consignor John Doe and Company, 137 East Dobie Street, St. Paul, Minn.
5. Legal status of consignor (see footnote) Partnership - John Doe and Jane Doe (his wife)

6. Point of shipment St. Paul, Minnesota

7. Destination St. Croix Falls, Wisconsin

8. Name and address of consignee The Dalles House, St. Croix Falls, Wisconsin

9. Total amount and kinds of meat or meat food product in ~~XXXXXX~~ Violation Approximately 186 pounds
Fabricated beef steaks

10. Is the meat or meat food product U. S. inspected and passed and so marked? No
11. If so, from what establishment did it originate? Unknown
12. Were the animals from which the meat was taken slaughtered or the product prepared or rendered in the establishment from which this shipment was made? Prepared by consignor
13. Is the meat or meat food product from the carcasses of animals slaughtered by a farmer on the farm? Unknown
14. Is the meat or meat food product uninspected and NOT from the carcasses of animals slaughtered by a farmer on the farm? Product not federally inspected
15. Give the names and addresses of any persons who ACTUALLY SAW the product and can testify that it bore no marks of Federal inspection R. V. Lockhart - Chicago, Illinois
Jacob Braud, South St. Paul, Minnesota
16. The amount and kind of meat or meat food product unfit for food purposes _____
Not alleged to be unfit for food
17. State fully reasons for unfitness for food purposes _____ n/a

18. Was the condition of the meat such as to indicate that it was unfit for food purposes at the time of shipment? No product did not bear marks of Inspection If so, could the shipper have discovered ~~XXXXXX~~ by a careful examination? yes

19. If the meat is from a diseased animal could such diseased condition have been discovered by the shipper by a careful examination? Not alleged to be from diseased animals

Note.—If the consignor is an individual, his or her full name should be stated; if a copartnership, the full name of each member of the firm should be stated, and if a corporation, the name of the State under the laws of which it is incorporated.
(over)

20. Name and address of inspector or other person who detected violation and can testify as to same
Jacob Braud - South St. Paul, Minnesota

21. Name of inspector who inspected meat or meat food product and can testify as to its unfitness for food purposes Not alleged to be unfit for food

22. Was the product condemned, denatured, or destroyed? No If so, by whom? n/a

23. Is copy of waybill attached? No If not, why? None issued

24. What form, if any, of shipper's certificate was given the agent of the transportation company?
None

25. Is copy of same attached? No If not, why? n/a

26. Describe nature of business conducted by shipper Fabricator and distributor of meat products

27. Describe nature of business conducted by consignee Restaurant

28. Sanitary condition of shipper's establishment, if known Unknown

29. Are written statements attached from at least two parties at the point of shipment who are willing to testify as to the violation? No

30. If such statements cannot be secured, give names and addresses of all parties at the point of shipment who can testify as to the violation

31. If origin and destination of shipment are in the same State give names of railroads over which transported Not in same state

(Signed) /s/ R. V. Lockhart

(Title) Investigator, Meat Inspection Division, ARS

(Date) 8/25/61 (Address) Room 211, 4101 South Halsted St.
Chicago, Illinois

NOTE.—In cases where it is not possible to secure all the data required by this form without additional expense to the Department, all available information should be indicated thereon and the matter referred to the Washington office for consideration.

AFFIDAVIT

Before me, William D. Gramer, an employee of the United States Department of Agriculture designated by the Secretary of Agriculture under authority of section 1 of the Act of Congress approved January 31, 1925, (43 Stat. 803; 5 U.S.C. 521) personally appeared _____

Ray V. Lockhart who deposes and says:

I am now and was at the time hereinafter mentioned a regularly appointed meat inspector of the Meat Inspection Division, U. S. Department of Agriculture, assigned to the meat inspection force in Chicago, Illinois, official address of which is 4101 South Halsted Street, Chicago, Illinois.

On June 22, 1961, accompanied by Mr. Jacob Braud I visited the Dalles House, a restaurant located in St. Croix Falls, Wisconsin. We spoke with the owner, Mr. J. C. Millen and with the manager, Mr. H. J. Krayon regarding meat products delivered to that restaurant by John Doe and Company, St. Paul, Minnesota.. They informed us that an employee of the Doe firm had made a delivery shortly before our arrival. They pointed out several packages containing meat which they declared had been delivered by the Doe driver in a motor truck on June 22 and produced an invoice No. 57059 dated 6/22/61 which they identified as covering the products in question. This invoice has listed thereon the following meat products:

48 - 10 oz. Tenders
102 - 7 oz. Tenders
200 - 5 oz. Tenders
373 1/4# T-Bones
11# Cube Steaks

We examined these cut steaks and found that neither the product nor the containers bore the marks of Federal meat inspection.

Messrs. Millen and Krayon informed us that they receive weekly shipments of similar cuts and prepared steaks from the Doe firm and that the products have been packaged and delivered in the same condition as the products which we examined and did not bear the marks of Federal inspection.

Mr. Krayon produced Doe invoices covering shipments of meat to the Dalles House during the month of June 1961 and also a monthly statement from John Doe and Company with a cancelled check used in payment of the invoice account. He also furnished Doe invoices and a monthly statement covering meat products delivered to the Dalles House during the month of May 1961. All these invoices cover products similar to those which we observed and which were identified as having been delivered to the Dalles House by John Doe and Company.

/s/ Ray V. Lockhart
Signature of Affiant

Subscribed and sworn to before me at Chicago, Illinois

on this 6th day of September 1961.

/s/ William D. Gramer

Employee of the Department of Agriculture
designated under Act of January 31, 1925.

AFFIDAVIT

Before me, R. V. Lockhart, an employee of the United States Department of Agriculture designated by the Secretary of Agriculture under authority of section 1 of the Act of Congress approved January 31, 1925, (43 Stat. 803; 5 U.S.C. 521) personally appeared _____

Jacob Braud who deposes and says:

I am now and was at the time hereinafter mentioned a regularly appointed meat inspector of the Meat Inspection Division, U. S. Department of Agriculture, assigned to the meat inspection force in South St. Paul, Minnesota, official address of which is 205 Post Office Building, South St. Paul, Minnesota.

On June 22, 1961, accompanied by Mr. Ray V. Lockhart, I visited the Dalles House, a restaurant located in St. Croix Falls, Wisconsin. We spoke with the owner, Mr. J. C. Millen and with the manager, Mr. H. J. Krayon regarding meat products delivered to that restaurant by John Doe and Company, St. Paul, Minnesota. They informed us that an employee of the Doe firm had made a delivery shortly before our arrival. They pointed out several packages containing meat which they declared had been delivered by the Doe driver in a motor truck on June 22 and produced an invoice No. 57059 dated 6/22/61 which they identified as covering the products in question. This invoice has listed thereon the following meat products:

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We examined these cut steaks and found that neither the product nor the containers bore the marks of Federal meat inspection.

Messrs. Millen and Krayon informed us that they receive weekly shipments of similar cut and prepared steaks from the Doe firm and that the products have been packaged and delivered in the same condition as the products which we examined and did not bear the marks of Federal inspection.

Mr. Krayon produced Doe invoices covering shipments of meat to the Dalles House during the month of June 1961 and also a monthly statement from John Doe & Co., with a cancelled check used in payment of the invoice account. He also furnished Doe invoices and a monthly statement covering meat products delivered to the Dalles House during the month of May 1961. All these invoices cover products similar to those which we observed and which were identified as having been delivered to the Dalles House by John Doe and Company.

/s/ Jacob Braud

Signature of Affiant

Subscribed and sworn to before me at St. Paul, Minnesota

on this 28th day of August 1961.

/s/Ray V. Lockhart

Employee of the Department of Agriculture
designated under Act of January 31, 1925.

EXHIBIT #1

JOHN DOE & CO.
WHOLESALE MEATS - FROZEN FOODS

137 E. Dobie St.

WHOLESALE MEATS - FROZEN FOODS

St. Paul 7, Minn.

Capitol 7-7053

**Customers
Order No.**

**Phone
Number**

Date 6/22 1961

Sold To The Dalles House

Address

(all exhibits listed in narrative
have not been reproduced)

City St. Croix Falls, Wisconsin

No. 55079

36

Received by

Delaware

EXHIBIT # 8

(FRONT)

JAMES C. MILLER
ST. CROIX FALLS, WIS.

79-110A
915

7.20 1966 NO. 17048

Pay To The John Doe & Company \$ 140.00
Order Of James C. Miller
One hundred four hundred eighty one six
Dollars

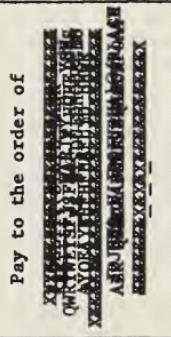
Sur	Charges - West

James C. Miller

FIDELITY STATE BANK
Dresser Station
DRESSER, WIS.
:0915::1109::0553::

Pay to the order of
MINNESOTA STATE BANK
John Doe and Company

(BACK)



Copy. Original on file
with Dalles House, St. Croix
Falls, Wisconsin.

/s/ R. V. Lockhart
8-25-61

REPORT OF INVESTIGATION

ALLEGED VIOLATION OF THE MEAT INSPECTION ACT

It is alleged that a violation of the Meat Inspection Act was committed on the part of John Doe and Company located at 137 E. Dobie Street, St. Paul, Minnesota. The company is in operation at the above address as a distributor of meat and meat food products and does not operate under the supervision of the Meat Inspection Division, ARS, U.S. Department of Agriculture, and is not privileged to ship or transport non-federally inspected and unmarked meat in interstate commerce in accordance with 21 (USC) 91.

It is alleged that the company shipped a quantity of fresh and smoked meats from the State of Minnesota to the State of Wisconsin which did not bear the marks of Federal meat inspection and which had not been inspected and passed by the U. S. Department of Agriculture as required by law, 21(USC)78.

On August 3, 1961, while accompanied by Dr. D. E. Evans, a veterinary meat inspector, I saw a Divco truck bearing Minnesota license number Y188-993 and a St. Paul City license number 738 and a Minneapolis Food Distributors license number 483 back up to the receiving door at the rear of the Dalles House restaurant at St. Croix Falls, Wisconsin at about eleven o'clock a.m. and deliver a quantity of meats. The truck did not bear any name denoting ownership. After the delivery was completed, Dr. Evans and I identified ourselves to the driver of the truck who stated that he was Mr. Dean Sonny of 728 Sturgeon, St. Paul, Minnesota. He stated that he was employed as a driver for the John Doe and Company. He affirmed to us that the truck belonged to the John Doe and Company and that the meats just delivered had been brought from 137 E. Dobie Street, St. Paul, Minnesota to the Dalles House at St. Croix Falls, Wisconsin in interstate commerce and that such deliveries had been made over a long period of time. He stated that he also made other deliveries of meat in Wisconsin.

I called the State of Minnesota Automobile License Division and verified that the registered owner of the truck above mentioned was the John Doe and Company of 137 E. Dobie Street. St. Paul, Minnesota.

Mr. Krayon, manager of Dalles House, gave permission to Dr. Evans and me to examine the products delivered. We found that the following items did not bear the marks of Federal meat inspection on either the products or the containers:

152	5 oz. Beef Tenderloin Steaks	47 lbs. 8 oz.
54	7 oz. Beef Tenderloin Steaks	23 lbs. 10 oz.
36	10 oz. Beef Tenderloin Steaks	22 lbs. 8 oz.
	Beef Club Steaks	30 lbs.
	Beef Chef Steaks	20 3/4 lbs.
	Boned Smoked Skinless Hams	39 3/4 lbs.

This delivery was covered by Invoice Number 58769 from the John Doe and Company, 137 E. Dobie Street, St. Paul, Minnesota to the Dalles House, St. Croix Falls, Wisconsin, dated August 3, 1961.

/s/ Jacob Braud

Jacob Braud
Acting Meat Laws Investigator

South St. Paul, Minnesota
August 10, 1961

AFFIDAVIT

Before me, Calvin A. Ward, an employee of the United States Department of Agriculture designated by the Secretary of Agriculture under authority of section 1 of the Act of Congress approved January 31, 1925, (43 Stat. 803; 5 U.S.C. 521) personally appeared _____

Jacob Braud who deposes and says:

I am now and was at the time hereinafter mentioned a regularly appointed meat inspector of the Meat Inspection Division, U. S. Department of Agriculture, assigned to the meat inspection force in South St. Paul, Minnesota, official address of which is 205 Post Office Building, South St. Paul, Minnesota.

On August 3, 1961, while accompanied by Dr. D. E. Evans, a veterinary meat inspector, I saw a Divco truck bearing Minnesota license number Y188-993, a 1961 St. Paul City license number 738, and a Minneapolis Food Distributors license number 483 (1960-61) back up to the receiving door at the rear of the Dalles House restaurant at St. Croix Falls, Wisconsin, at about eleven o'clock a.m., and make a delivery to the restaurant. The truck did not bear any name to denote ownership but records at the office of the State of Minnesota Automobile License Division showed the registered owner to be John Doe and Company, 137 E. Dobie Street, St. Paul, Minnesota. After the delivery was completed, Dr. Evans and I identified ourselves to the driver of the truck who stated that he was Dean Sonny of 728 Sturgeon, St. Paul, Minnesota. He also stated that he was employed by John Doe and Company as a driver and he affirmed that the meats just delivered had been brought from 137 E. Dobie Street, St. Paul, Minnesota, to St. Croix Falls, Wisconsin, in interstate commerce. Mr. Sonny stated that similar deliveries of meats had been made over a long period of time. He stated that he also made deliveries to other restaurants in Wisconsin.

With the permission of Mr. Krayon, manager of Dalles House, Dr. Evans and I examined the contents of the packages and boxes as delivered. We found that the following meat items as listed on the invoice number 58769 from John Doe and Company (Exhibit #1) did not bear the marks of Federal meat inspection on either the products or on the containers:

152	5 oz. Beef Tenderloin Steaks	47 lbs. 8 oz.
54	7 oz. Beef Tenderloin Steaks	23 lbs. 10 oz.
36	10 oz. Beef Tenderloin Steaks	22 lbs. 8 oz.
	Beef Club Steaks	30 lbs.
	Beef Chef Steaks	20 lbs. 12 oz.
	Boned Smoked Skinless Hams	39 3/4 lbs.

/s/ Jacob Braud

Signature of Affiant

Subscribed and sworn to before me at South St. Paul, Minnesota

on this 10th day of August 1961.

/s/ Calvin A. Ward

Employee of the Department of Agriculture
designated under Act of January 31, 1925.

AFFIDAVIT

Before me, Calvin A. Ward, an employee of the United States Department of Agriculture designated by the Secretary of Agriculture under authority of section 1 of the Act of Congress approved January 31, 1925, (43 Stat. 803; 5 U.S.C. 521) personally appeared _____

David E. Evans who deposes and says:

I am now and was at the time hereinafter mentioned a regularly appointed veterinary meat inspector of the Meat Inspection Division, U. S. Department of Agriculture, assigned to the meat inspection force in South St. Paul, Minnesota, official address of which is 205 Post Office Building, South St. Paul, Minnesota.

On August 3, 1961, while accompanied by Jacob Braud, a meat inspector, I saw a Divco truck bearing Minnesota license number Y188-993, a St. Paul City license number 738 (1961), and a Minneapolis Food Distributors license number 483 (1960-61), back up to the receiving door at the Dalles House restaurant at St. Croix Falls, Wisconsin, at about eleven o'clock a.m., and make a delivery to the restaurant. The truck did not bear any name to denote ownership. After the delivery was completed, Mr. Jacob Braud and I identified ourselves to the driver of the truck who stated that he was Dean Sonny of 728 Sturgeon, St. Paul, Minnesota. He also stated that he was employed by the John Doe and Company as a driver and he affirmed that the meats just delivered had been brought from 137 East Dobie Street, St. Paul, Minnesota, to the Dalles House Restaurant, St. Croix Falls, Wisconsin, in interstate commerce. Mr. Sonny stated that similar deliveries of meat had been made over a long period of time. He stated that he also made deliveries of meats to other restaurants in the State of Wisconsin.

With the permission of Mr. Krayon, manager of the Dalles House, Mr. Braud and I examined the contents of the packages and boxes as delivered. We found that the following meat items did not bear the marks of Federal meat inspection on either the products or the containers.

152	5 oz.	Beef Tenderloin Steaks	47 lbs. 8 oz.
54	7 oz.	Beef Tenderloin Steaks	23 lbs. 10 oz.
36	10 oz.	Beef Tenderloin Steaks	22 lbs. 8 oz.
		Beef Club Steaks	30 lbs.
		Beef Chef Steaks	20 3/4 lbs.
		Boned Smoked Skinless Hams	39 3/4 lbs.

The delivery of these meat items is covered by invoice number 58769 from the John Doe Company to the Dalles House dated August 3, 1961, (Exhibit #1).

/s/ David E. Evans

Signature of Affiant

Subscribed and sworn to before me at South St. Paul, Minnesota

on this 10th day of August 1961.

/s/ Calvin A. Ward

JOHN DOE & CO.

WHOLESALE MEATS - FROZEN FOODS

137 E. Dobie St.

St. Paul 7, Minn.

Capitol 7-7053

Customers
Order No.Phone
Number

Date 8-3

19 61

Sold To Dalles House

Address

City

SOLD BY	CASH	C.O.D.	CHARGE X	ON ACCT.	MDSE. RETD.	PAID OUT	
QUAN.	DESCRIPTION					TOTAL	AMOUNT
152	5 oz. Tenders	(19)				60	91 20
54	7 oz. Tenders	(9)				98	52 92
36	10 oz. Tenders	(6)				140	50 40
30	# Club Steaks	(8)				149	44 70
20 3/4	# Chef Steaks	(8)				120	24 90
95	# Beef Ribs					69	65 55
69 3/4	# Turkeys					36	25 11
39 3/4	# Shoulder Hams					57	22 66
18 3/4	# Rolled Hams					79	14 42
30	Fresh Loin Ribs					79	23 70
	Copy. Original on file Dalles House, St. Croix Falls, Wis.						
	/s/ J. Braud						

T H A N K Y O U

Please keep this copy for reference

TOTAL

415 56

No. 58769

Received By

Melares

HANDLING AND ROUTING OF CASE FILE

When the Investigator in Charge is satisfied that the case has been developed to its fullest extent (within practical limits) and is properly documented, he forwards the case file to the Chief Staff Officer for Contracts and Enforcement, Washington, D.C., 20250, with his recommendation. Here, the case is reviewed and a decision reached on a course of action. In most cases, the recommendation of the Investigator in Charge is followed. If the offense is slight and there is no previous record of violation, it will probably be disposed of by a letter of caution directed to the alleged violator. On the other hand, if this is a second or third offense, or one flagrant in nature, the file is forwarded to the Director, Regulatory Division, Office of the General Counsel, U. S. Department of Agriculture with a recommendation to prosecute.

The Office of the General Counsel examines the case carefully to determine whether the law has, in fact, been violated and whether the file contains the elements of proof necessary to support prosecution. In some questionable cases, the file may be referred to the Justice Department for an opinion. Otherwise, the file is sent directly to the U. S. Attorney in the District where the case will be prosecuted. The file is accompanied by a letter of transmittal and a suggested form of indictment.

The decision on whether or not to prosecute at this point lies almost entirely with the U. S. Attorney. It is here that our interest and earnest persuasion pays the greatest dividends. It is essential that the Investigator contact the U. S. Attorney and convince him that prosecution is indicated by the evidence and circumstances and also that prosecution is essential to our enforcement program and in fact the entire Division program which is predicated on the law.

Listed below are a few of the points in question which the U. S. Attorneys usually discuss with the Investigator in connection with our violation cases.

1. Was the meat unsound?
2. What disposition was made of the product?
3. Was the violation intentional?
4. Has the accused been previously warned or convicted?
5. How long has he been engaged in the meat business?
6. What is the volume of his business?
7. Was there any advantage to him in violating the law?
8. Did you discuss the violation with him?

9. What did he say?
10. What penalty is provided?
11. Do you have any legal reference to similar violations?
12. Why is the penalty such as to make it a felony when the statute states that it is a misdemeanor?
13. Why don't we have the Act amended?
14. Why are we requesting prosecution?
15. In the event a conviction is handed down what is the usual penalty?
16. Do we have a recommendation as to a penalty in the subject case?
17. Will we agree to eliminating certain counts and proceeding on a lesser number?

The Investigator should be able to answer these and many other questions which the U. S. Attorney may ask. He should do so clearly and without hesitation, and if possible, convince him that prosecution is important to our program. In almost all cases we meet with reluctance to prosecute and the situation often requires a good job of selling on our part if we are to get favorable action. An ability to "Win Friends and Influence People" is of great value to the Investigator in these situations. However, first and more important is his knowledge of what he is doing and why.

The above is in no way intended to discredit or criticize the United States Attorneys or any representatives of the Department of Justice. It is rather to outline and explain a very important part of the usual functions which an Investigator is expected to perform. United States Attorneys will usually welcome our interest in meat law violation cases and the opportunity to discuss them with an informed representative of the Division. It has been suggested by U. S. Attorneys that Government agencies requesting prosecution of regulatory violations often show little or no interest in such cases after they are referred for legal action. We cannot permit the Meat InspectionDivision to be included in this noninterested group of agencies. It has been found to be advantageous to repeat our calls or visits to U. S. Attorneys when there are delays in disposition of our cases even though they may have agreed to keep us informed. It is also well to remember that we should volunteer our cooperation and assistance in every way possible on each occasion when our cases are discussed.. When we are requested by the U. S. Attorney to obtain additional evidence such as statements or documents or clarification of material submitted, we should never take the position that it cannot be done. We should always assure the prosecutor that we will make every effort to comply with his request.

Since in most cases it is necessary to proceed by indictment, the U. S. Attorney must convince the Grand Jury that there is "probable cause" for binding the accused over for trial. Here again, the Investigator may be of service if requested to appear by the U. S. Attorney. He should make his services readily available and do his best to impress the Grand Jury with his knowledge of the Meat Inspection Law and the facts of the case, and by his sincerity and desire to be of service. Often our biggest hurdle is with the U. S. Attorney and/or the Grand Jury -- here many cases are either won or lost. Many hours of good work go down the drain if the U. S. Attorney declines prosecution or the Grand Jury returns a "no bill."

If the case goes to trial, the Investigator should again hold himself in readiness to appear as a possible witness. He should, of course, be familiar with all facets of the case and be prepared to testify intelligently on all facts within his knowledge. Reference to notes may be permitted if they are made during the course of the investigation. It should be kept in mind, however, that if notes are used, access to them may be demanded by and granted to the counsel for the defense. Therefore, nothing should be recorded in these notes that might prove embarrassing to the prosecution or to the Division if revealed.

As pointed out previously, it is not uncommon for the U. S. Attorney, if he is not familiar with meat law cases, to raise certain legal points concerning the Meat Inspection Act. In many cases, prior court rulings have covered the ground. It is sometimes helpful to be able to point to these citations as precedents. For this reason, and as a matter of general information, the following court decisions are listed:

United States Supreme Court Cases:

UNITED STATES vs. LEWIS, 235 U.S. 282, Kansas 1914

Decision: Lewis who broke a seal of the Department on a carload of meat - contended that Section 79 applied only to packing plants, canning establishments, etc. The Court held that Section 79 applied to everyone who does any of acts prohibited regardless of his occupation.

* * *

PITTSBURGH MELTING vs. TOTTEN, 248 U.S. 1, Pa. Nov. 4, 1918

Decision: Pittsburgh Melting Company manufactured oil from meat fats. Claimed that because they shipped the oil labeled "fat for industrial use" and "inedible" it was not subject to the Act. Department passed regulation that oil so labeled must be accompanied by a certification that it could not be reconverted to edible oil, and could not be used as human food. Pittsburgh refused to make such certificate. The Court held that the oil was a meat food product subject to regulation and that the regulations of the Department were valid.

This case is important as it extends the Act to cover all meat food products.

Decisions of the United States Circuit Courts of Appeal:

UNITED STATES vs. ROHE, 218 Fed. 182, New York, Nov. 17, 1914

Decision: Rohe shipped hams that were not fit for human consumption from New York to South Carolina. He was charged with violation of Section 92. The Court held that Section 92 (would be the proviso in Section 91 now) was not applicable to an inspected establishment but applied only to farmers, retail butchers and retail dealers. Court also held that the Secretary could not delegate power to issue regulations to the Bureau of Animal Industry. It did hold, however, that a false certificate given to a carrier was a violation of the Act and that it was not necessary to show intent.

* * *

ARMOUR & CO. vs. UNITED STATES, 222 Fed. 233, 1915, Pa.

Decision: Armour boiled hams previously inspected and passed at plant where they had no inspection. They then wrapped hams in wrappers stating that they were "Star" brand Boiled Hams, U. S. Inspected and Passed. Court held that there was violation of mislabeling and that it was not necessary to show intent.

This case is important as it is a decision of an appellate Court enforcing the Act even when the violation is purely technical, viz. the hams had been previously inspected and passed and so marked before they were boiled. No showing that they were unwholesome.

* * *

UNITED STATES vs. CUDAHY PACKING CO., 243, Fed. 411, Conn. 1917

Decision: Cudahy was charged with shipping meat not inspected and passed. They contended that the regulations of the Secretary were unconstitutional as the Act gave the Secretary an unlawful delegation of authority. They also contended that there was nothing in the Act to indicate that the offenses charged were crimes against the United States. The Court held that the indictment was good, that the Act was constitutional and that the offenses were offenses against the United States.

This case is important as it held that the purpose of the Act was to prevent the shipment of unwholesome meat and that the Court should sustain the Act unless unquestionably unconstitutional.

* * *

UNITED STATES vs. SAFEWAY STORES, INC., 252 F2nd 99, CCA 9, Calif. 1958

Decision: This is the first enforcement action under the Meat Inspection Act to go to a Circuit Court of Appeals since 1917 - 41 years. Safeway was charged with making two shipments of meat and meat products

which were not marked "Inspected and Passed." It moved to dismiss on the ground that it was exempt and that the indictment did not charge a violation of law. The government contended that it was not exempt and even if it was it would have to set the exemption up as a defense. The Court upheld the Government and stated that the indictment was properly drawn. The Court quoted the case of UNITED STATES vs MENDELSON, DC NJ 1940, 32 F. Supp. 622, which was almost identical on the facts but was only a District Court decision.

This case is important because it establishes that the Government does not have to allege that a person violating Section 78, was not a farmer, a retail butcher or dealer. This must be set up by the defendants as part of their defenses. It also holds in effect that the exemption for retail butchers and retail dealers is not automatic.

* * *

Decisions of the United States District Courts:

UNITED STATES vs. LAINOFF, 101 F. Supp. 675, Missouri 1951

Decision: Defendant claimed automatic exemption under Section 91. The Court held that it was not automatic but that defendant had to apply for exemption as provided in Secretary's regulations. It also held that Secretary had the right to regulate retail dealers if he chose to do so.

* * *

UNITED STATES vs. HART MOTOR EXPRESS, 160 F. Supp. 886, Minn. 1958

Decision: Defendant broke seal of the Department. It contended that the Government had to allege that he did it intentionally and also that Congress was without authority to make an act a crime without requiring a showing that it was knowingly done. The Court held that Congress could omit element of knowledge and cited many statutes where it had done so. It held that Congress had intentionally omitted the element of knowledge from this part of the Meat Inspection Act.

Unfortunately, the investigator is not always rewarded by seeing a case on which he has labored hard brought to what he regards as a successful conclusion. In some cases, it may be disposed of by a letter of warning; in others, the U. S. Attorney may decline prosecution, the Grand Jury may refuse to indict, the violator may be found guilty but let off with a token fine. In these cases, the investigator must take the attitude that Justice has been served and gain satisfaction from the fact that his efforts have contributed to the general objective of all Meat Law Investigators -- preservation of the integrity of the Federal Meat Inspection Act.

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